

ARGUMENT

Claims 1-11 and 16 remain in the application. Claim 14 has been deleted. Claims 1, 3, and 11 have been amended.

Claim 14 has been deleted as duplicative of the limitations already in Claim 11.

The Examiner has rejected Claims 1-3 and 5-10 under 35 U.S.C. §102(b) as being anticipated by D.E. Patent No. 2,430,767 (Volny). Applicant traverses this rejection on the grounds that Volny does not teach each and every limitation of the original claims or the currently amended claims.

Independent Claims 1 and 3 have been amended to clarify that the output shafts of the second gearbox are separate and distinct. The current invention is to a novel divider gearbox for tractor mowers. The output shafts of such gearboxes are typically positioned to be at an angle to one another. As such, they cannot be a single shaft, such as an axle, but must be separate and distinct shafts. In contrast, Volny teaches a drive mechanism for a self-propelled portal crane used to handle standardized freight containers. The second gearbox (27, 28 of Fig. 2) referenced by the examiner is simply an axle gearbox that has an output shaft (the axle) extending from either side of the gearbox to a set of wheels (12, 13). There is nothing in Volny to suggest that the output shaft to the wheels is in fact two output shafts. Rather, the typical design in the industry would be that the axle that drives wheels 12, 13 is a single unitary axle, as is common in most automobiles. There is simply nothing in Volny to suggest that the axle is comprised of two separate, distinct shafts. Thus, Volny does not teach each and every limitation of Claim 1 or 3, and cannot anticipate these claims.

For the foregoing reasons, the Examiner is respectfully requested to withdraw the rejection of Claims 1-3, and 5-10 and pass these claims to allowance.

The Examiner has also rejected Claims 11, 14 and 16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application 2004/0221558 (Stevenson et al.). Applicant traverses this rejection on the grounds that Stevenson does not teach each and every limitation of the original claims or the currently amended claims.

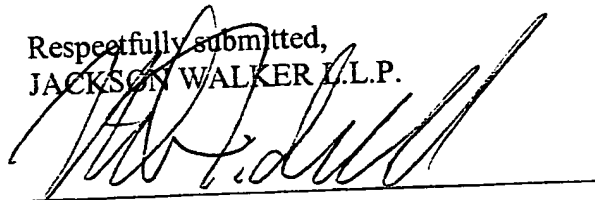
Claim 11 has been amended to clarify that the input shaft of the second gearbox is substantially perpendicular to at least one output shaft of the second gearbox. In this embodiment of the invention, the first gearbox essentially sits on top of the second gearbox, as shown in Fig. 1 of the application. As such, the output shaft of the first gearbox that functions as the input shaft of the second gearbox is substantially perpendicular to the output shafts of the second gearbox. In contrast, Stevenson illustrates that the output shaft 78 of the first gearbox 75 is essentially axial or in the same plane as the output shafts of the second gearbox. Thus, Stevenson does not teach each and every limitation of Claim 11 and cannot anticipate this claim.

For the foregoing reasons, the Examiner is respectfully requested to withdraw the rejection of Claim 11 and pass this claim to allowance.

If the Examiner feels that a telephone conference with the undersigned would be helpful to the allowance of this application, a telephone conference is respectfully requested.

The Examiner is authorized to charge any fees that arise from this submission, or credit any overpayment, to Deposit Account Number 10-0096.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: June 14, 2006


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6/14/2006. - One-Month Extension of time Fee (Serial No. 10/757,235)

60.00





DOCKET NO. 123018.0002.000

Atty. MAT2

SERIAL NO.: 10/757,235

FILED: January 14, 2004

APPLICANT: Jeffrey K. Daniel

TITLE: THREE WAY SWIVEL DIVIDER GEARBOX FOR AGRICULTURAL DRIVE
SYSTEMS

The Commissioner for Patents, Mail Stop Response/FEE, acknowledges, and has stamped hereon the date of,
receipt of the items checked below which were mailed June 14, 2006

- ☒ Transmittal Form;
- ☒ Fee Transmittal Form;
- ☒ Petition for One-Month Extension of Time;
- ☒ Amendment and Response to Office Action Mailed February 14, 2006 (8 pgs.); and
- ☒ Check in the amount of \$60.00;
- ☒ ACKNOWLEDGMENT POSTCARD.

Mailed via First Class Mail on June 14, 2006.